



IAP6 Rec'd PCT/PTO 28 JUN 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

GROUP:

Christophe CHAGNOT

SERIAL NO.: 10/589,797

EXAMINER:

FILED: August 16, 2006

ATTORNEY DOCKET: MM6021PCT

FOR: MONITORING METHOD AND DEVICE BY SHADOWSCOPY

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP MISSING REQUIREMENTS

S I R:

In the above-identified patent application, applicants have received a Notification Of Missing Requirements Under 35 USC 371, copy enclosed.

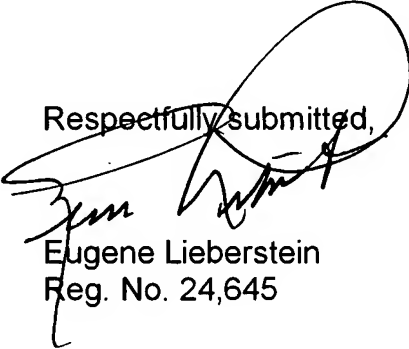
This Notice states that a translation of the application into English must be furnished or a processing fee of \$130 will be required. Applicants have already supplied the English translation of the application, as evidenced by the attached copy of the return receipt postcard, the Certificate of Express Mailing and the application transmittal letter. The Notice also states that the number of claims shown in the English translation of the application is different to the number of claims shown in the International Application. However, in the English translation, applicants have removed the improper use of multiple dependent claims and added the relevant new claims. Accordingly, there are more claims in the English translation than in the International Application to avoid multiple dependent claims.

It is also stated in the Notification of Missing Requirements that the oath and Declaration of the inventors is missing. However, a properly signed Oath and Declaration of the inventors was submitted with the initial filing of the application on August 16, 2006. This is evidenced by the enclosed copy of applicants return receipt postcard (stamped received by the U.S. Patent Office) as well as the enclosed copy of applicants Certificate of Express Mailing and the copy of the transmittal letter. A further copy of this Oath and Declaration is again enclosed herewith.

To show that no new matter was added as a result of the difference in the number of claims in the English translation and the International Application, a Preliminary Amendment is herewith included verifying the amendments.

Accordingly, it is respectfully submitted that no further fees are, in fact, due on this application as all requirements – English translation of application and Declaration of Inventors – have previously been met and are evidenced in this submission. However, authorization is given to deduct any necessary fees from applicants **Deposit Account No. 503814**.

Respectfully submitted,


Eugene Lieberstein
Reg. No. 24,645

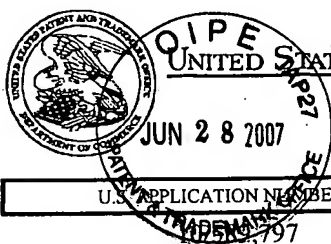
ANDERSON, KILL & OLICK
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop Missing Requirements, on Monday June 25, 2007.

Signed: 

Dated: June 25, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 1251,197	FIRST NAMED APPLICANT Christophe Chagnot	ATTY. DOCKET NO. MM6021PCT
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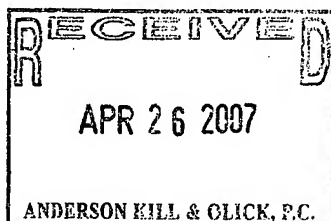
INTERNATIONAL APPLICATION NO.

PCT/FR05/50107

I.A. FILING DATE 02/21/2005	PRIORITY DATE 02/23/2004
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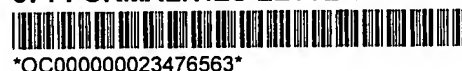
1109

ANDERSON, KILL & OLICK, P.C.
 1251 AVENUE OF THE AMERICAS
 NEW YORK, NY 10020-1182



CONFIRMATION NO. 2391

371 FORMALITIES LETTER



OC000000023476563

Date Mailed: 04/23/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/17/2006
- Copy of the International Search Report filed on 08/17/2006
- Information Disclosure Statements filed on 08/17/2006
- Request for Immediate Examination filed on 08/17/2006
- U.S. Basic National Fees filed on 08/17/2006
- Assignment filed on 08/17/2006
- Priority Documents filed on 08/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The number of claims in the International Application and the number of claims in the translation are not the same.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$110** for a Large Entity:

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

(A previous payment of **\$150** will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

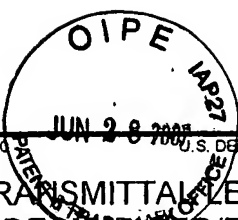
If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,797	PCT/FR05/50107	MM6021PCT



FORM PTO-1390
(REV. 9-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

MM6021PCT

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/FR05/050107

INTERNATIONAL FILING DATE

February 21, 2005

PRIORITY DATE CLAIMED

February 23, 2004

TITLE OF INVENTION

MONITORING METHOD AND DEVICE BY SHADOWSCOPY

APPLICANT(S) FOR DO/EO/US: **Christophe CHAGNOT, a citizen of France**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5))

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **CERTIFICATE OF EXPRESS MAILING ON SEPARATE SHEET with Label No. EV570883496US**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/FR05/050107	ATTORNEY DOCKET NUMBER MM6021PCT
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<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (A) (1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$1000.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</p> <p style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT =</p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">CLAIMS</td> <td style="width: 20%;">NUMBER FILED</td> <td style="width: 20%;">NUMBER EXTRA</td> <td style="width: 20%;">RATE</td> <td style="width: 20%;"></td> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">23</td> <td style="text-align: center;">3</td> <td style="text-align: center;">x \$50.00</td> <td>\$ 150.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">1</td> <td></td> <td style="text-align: center;">x \$200.00</td> <td>\$ 000.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: center;">+ \$360.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$1150.00</td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2 </td> <td style="text-align: center;">+</td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td>\$1150.00</td> </tr> <tr> <td colspan="4"> Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)). </td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL National Fee =</td> <td>\$1150.00</td> </tr> <tr> <td colspan="4"> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property </td> <td style="text-align: center;">\$ 40.00</td> </tr> <tr> <td colspan="4" style="text-align: center;">+</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td>\$1190.00</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 60%;"></td> <td style="width: 20%; text-align: right;">Amount to be refunded:</td> <td style="width: 20%; text-align: center;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">Charged:</td> <td style="text-align: center;">\$1190.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	23	3	x \$50.00	\$ 150.00	Independent claims	1		x \$200.00	\$ 000.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	TOTAL OF ABOVE CALCULATIONS =				\$1150.00	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2				+	SUBTOTAL =				\$1150.00	Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	TOTAL National Fee =				\$1150.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	+					TOTAL FEES ENCLOSED =				\$1190.00		Amount to be refunded:	\$		Charged:	\$1190.00	<p>CALCULATIONS PTO USE ONLY</p>
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																																																
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a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. **503814** in the amount of \$ **1190.00** to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment
 to Deposit Account No. **503814**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
 information should not be included in this form.** Provide credit card information and authorization on PTO-2038.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Eugene Lieberstein, Esq. ANDERSON KILL & OLICK, P.C. 1251 Avenue of the Americas New York, NY 10020 Tel: 212-278-1000	<div style="text-align: center;"> SIGNATURE Eugene Lieberstein NAME 24 645 REGISTRATION NUMBER </div>
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Christophe CHAGNOT**

Docket No.

MM6021PCT

Application No.

Filing Date

Examiner

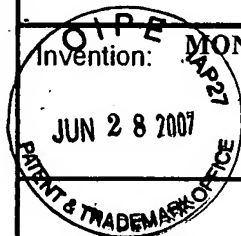
Customer No.

Group Art Unit

Concurrently Herewith

01109

Invention:

MONITORING METHOD AND DEVICE BY SHADOWSCOPY

I hereby certify that the following correspondence:

U.S. Nat'l Phase filing of PCT appl. transmittal ltr; ~~125 page English spec.~~ incl. Abstract; 3 sheets of drawings (Figs. 1-5); ~~Signed Declaration & POA~~; Assignment doc. w/recordation form cover sheet; IDS form PTO-1449 citing 4 references & copies of refs.; Required PCT Forms: ISA/220, ISA/210, ISA/213, ISA/237; WO 2005/085814 w/attached copy of PCT app as filed; INPI PCT Request; Cert. of Express Mailing; Authorization to charge fees to Deposit Acct.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 16, 2006*(Date)***Maggie McGarry***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EV570883496US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**